

Application No.: 09/051,547  
Amendment dated: February 24, 2004  
Reply to Office Action of: December 9, 2003

MDA-2570US  
(formerly MTS-2570US)

**Remarks/Arguments:**

Claims 1, 3-15, 20, 21 and 24-31 are pending.

Applicants thank the Examiner for the further opportunity to discuss the claims and for his helpful suggestions on December 30, 2003.

**Section 103 Rejections**

All pending claims stand rejected as being obvious in view of Lane, Clapp, and Caldara. Applicants respectfully submit that this rejection is overcome for the reasons set forth below.

Amended claim 1 now includes features which are not anticipated or suggested by the cited references, namely:

- a picture coding apparatus including picture coding means of coding pictures and providing a picture identifier for each picture as an I, P or B picture,
- priority providing means of correlating each coded picture with a priority identifier which assigns a priority level to one or more frames of the coded pictures; and
- transmission control means of transmitting ... coded pictures with the priority identifiers
- a picture decoding apparatus including reception control means of receiving or reading the coded pictures with the priority identifiers,
- wherein each priority identifier is used by the picture decoding apparatus to determine whether each picture should be processed or not be processed according to a processing load or a processing capacity of the picture decoding apparatus, and
- each priority identifier is used independently of the picture identifiers, and

Application No.: 09/051,547  
Amendment dated: February 24, 2004  
Reply to Office Action of: December 9, 2003

MDA-2570US  
(formerly MTS-2570US)

- and independently of whether the picture is an I, P or B picture, and
- a decision to discard or not discard a picture is based on the priority identifier, and
- **discarding a picture includes discarding an end-of-frame.**

As discussed in the previous response to the Office Action, filed on August 1, 2003, the invention, as recited in amended claim 1, provides a priority identifier with each picture. A determination is made by the picture decoding apparatus whether a picture is to be processed or not be processed according to the load or the processing capacity of the picture decoding apparatus and according to the level of importance assigned to a picture in the priority identifier. As also discussed in the previous response, claim 1 further recites **both a priority identifier and a picture identifier. The priority identifier is used independently of the picture identifier, and independently of whether the picture is an I, P or B picture.**

The limitations of claim 1 also include **a decision to discard or not discard a picture is based on the priority identifier, and discarding a picture includes discarding an end-of-frame.** Basis for a decision to discard or not discard a picture based on the priority identifier may be found in the specification, for example, at page 12, line 20, to page 13, line 7. As also discussed, for example, at page 13, lines 8-11, the priority identifier may belong to a unit such as a picture or multiple frames. Since multiple frames may be discarded, **an end-of-frame may also be discarded.**

The Office Action, at page 4, admits that Lane does **not** disclose the limitation of "determining whether each picture should be processed or not processed according to a processing load or a processing capacity of the picture decoding apparatus, and each priority identifier is used independently of the picture identifiers and independently of whether the picture is an I, P or B picture." The Office Action states, however, that Clapp teaches the concept of determining whether frames should be discarded or not discarded based on maintaining sync.

Clapp discloses the concept of discarding frames to maintain sync. Clapp at column 8, lines 56-66, discloses a first alternative for discarding frames. In the first

Application No.: 09/051,547  
Amendment dated: February 24, 2004  
Reply to Office Action of: December 9, 2003

MDA-2570US  
(formerly MTS-2570US)

alternative,  $\Delta t$  is determined ( $\Delta t$  is the time between data entering the encoder buffer and the time data is leaving the decoder buffer). Depending on the value of  $\Delta t$ , a frame is repeated or a frame is discarded. At column 9, lines 25-33, Clapp discloses a second alternative for repeating or discarding a frame, based on an equation that predicts the value of  $\Delta t$ .

**Clapp, thus, discloses making a decision to discard or not discard a frame based on the time,  $\Delta t$ .** Clapp, however, does **not** disclose or suggest **making a decision to discard or not discard a frame based on a priority identifier**, as recited. Claim 1 is now also distinguishable from Clapp.

Caldara discloses that frames may be discarded by prioritization of these frames. The Examiner, therefore, states that Caldara discloses the concept of frames may be discarded based on a priority identifier. At column 3, lines 37-42, Caldara discloses using a cell loss priority bit making up a frame to determine the priority of the frame. When the cell loss priority bit has a value of zero, then the frame is considered to be a high priority frame. When the cell loss priority bit is set to one, then the frame is considered to be a low priority frame. As further disclosed by Caldara, at column 3, lines 54-61, Caldara discloses that if a high congestion threshold is exceeded, then a state variable is set to indicate that **any subsequent frames should be discarded**. Caldara further teaches that **the end-of-frame cell should not be discarded**.

Furthermore, at column 3, lines 65-16, Caldara again teaches that **only user data cells, which are not end-of-frame cells, may be discarded**. At column 4, lines 7-10, Caldara yet again teaches that all of the cells in a subsequent frame are discarded, **with the exception of the end-of-frame cell**.

Caldara, therefore, does **not** disclose the features of amended claim 1, namely that a decision to discard or not discard a picture is based on the priority identifier, and **discarding a picture includes discarding an end-of-frame**. Amended Claim 1 is distinguishable from Caldara. Favorable reconsideration is requested for amended claim 1:

Application No.: 09/051,547  
Amendment dated: February 24, 2004  
Reply to Office Action of: December 9, 2003

MDA-2570US  
(formerly MTS-2570US)

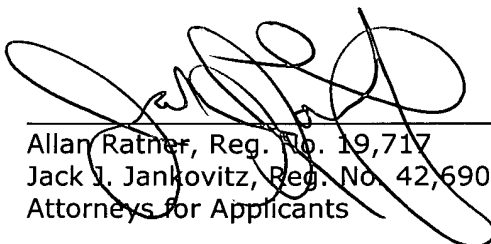
Although not the same, claims 20, 21, 24, 25 and 27-29 have also been amended to recite features similar to amended claim 1. Reconsideration of these claims, as well as their dependent claims, is respectfully requested.

**Conclusion**

Claims 1, 3-15, 20, 21 and 24-31 are in condition for allowance.

Respectfully submitted,

RatnerPrestia



Allan Ratner, Reg. No. 19,717  
Jack J. Jankovitz, Reg. No. 42,690  
Attorneys for Applicants

JJJ/ds

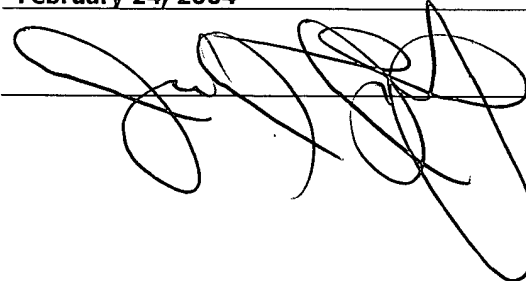
Dated: February 24, 2004

Suite 301  
One Westlakes, Berwyn  
P. O. Box 980  
Valley Forge, PA 19482-0980  
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

**February 24, 2004**



DS\_I:\MDA\2570US\AMEND\_05.DOC